

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RONALD ALEX STEVENSON,

Petitioner,

v.

ROBERT LeGRAND, et al.,

Respondents.

Case No. 3:14-cv-00160-MMD-VPC

ORDER

The Court directed petitioner to show cause why this action should not be dismissed as untimely. (Dkt. no. 7.) Petitioner has filed a motion demonstrating cause (dkt. no. 10) and a motion for leave to extend page limitation (dkt. no. 11). The Court grants the latter motion. The Court concludes that petitioner has not shown good cause for the untimeliness of this action, and the Court dismisses this action.

Petitioner first asks this Court to declare a substantive rule of state law that a "minor," as the term is used in the statute defining use of a minor in producing pornography, NRS § 200.710, is a person under the age of 16 years, as opposed to 18 years. This rule, in turn, would mean that petitioner is actually innocent of use of a minor in producing pornography. This Court has no such power. This is purely an issue of state law, on which the Nevada Supreme Court is the final arbiter. Petitioner's argument for actual innocence thus fails.

Petitioner then argues that the statute of limitations, 28 U.S.C. § 2244(d)(1), does not apply to challenges to state-court jurisdiction, both over the charges themselves and over the special sentence of lifetime supervision imposed upon petitioner as a sexual

1 offender under NRS § 176.0931. The language of the statute of limitations, 28 U.S.C.  
2 § 2244(d), contains no such exceptions for the question of jurisdiction, and no court has  
3 determined that such exceptions exist. *Cf. Barreto-Barreto v. United States*, 551 F.3d  
4 95, 100 (1st Cir. 2008) (holding that no exception for jurisdictional challenges exists for  
5 equivalent period of limitations of motion attacking a federal sentence pursuant to 28  
6 U.S.C. § 2255). The Court is not persuaded by this argument.

7 Reasonable jurists would not find the Court's conclusion that this action is  
8 untimely to be debatable or wrong, and the Court will not issue a certificate of  
9 appealability.

10 It is therefore ordered that petitioner's motion for leave to extend page limitation  
11 (dkt. no. 11) is granted.

12 It is further ordered that this action is dismissed with prejudice as untimely. The  
13 Clerk of the Court is directed to enter judgment accordingly and close this action.

14 It is further ordered that a certificate of appealability is denied.

15 DATED THIS 29<sup>th</sup> day of September 2015.

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18 MIRANDA M. DU  
19 UNITED STATES DISTRICT JUDGE  
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